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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/030,336

11/13/2001

Aldo Stabile

1905

5872

7590

02/13/2004

Striker Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

EXAMINER

FASTOVSKY, LEONID M

ART UNIT

PAPER NUMBER

3742

DATE MAILED: 02/13/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/030,336

Applicant(s)

STABILE, ALDO

Examiner

Leonid M Fastovsky

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25-26 and 29-32 are rejected under 35 U.S.C. 103(a) as being anticipated by Sangyo et al (JP632777353) in view of Shokai (JP62079270) and further in view of Andreadakis (4,963,114).

Sangyo et al teaches a method for formation of a heat-radiating panel A comprising one or more pieces of an electrothermal fabric 2 with a fiberglass weft weave F, a highly conductive wire 3 with the electric contacts 2b1 and 2b3, the coating with an insulating material 3a, and the mica-based material (1, 4), but does not teach that a mica-based material made out from an epoxy material or polyester, and holes made by a laser. Shokai teaches thermoplastic resin made out of epoxy or polyester (Abstract, page 1, line 1-4) and Andreadakis teaches laser-drilled holes in mica sheets (Col. 3, lines 16-21). It would have been obvious to one having ordinary skill in the art to use in the

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invention of Sangyo the thermoadhesive epoxy material or polyester in the mica as taught by Shokai as a matter of obvious design choice, and also to use a laser for drilling holes in mica because it minimized the cleaning of the holes, compared to the cleaning that is required after mechanical drilling, see also Andreadakis Col. 3, lines 21-25.

4. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sangyo et al in view Shokai and Andreadakis and further in view of Frey et al (3,746,837). Sangyo in view of Shokai and Andreadakis discloses substantially the claimed invention as applied to claim 25, but does not disclose a frame with two halves. Frey et al shows a frame 10 formed of two opposing halves 11 and 12. It would have been obvious to one having ordinary skill in the art to use in the invention of Sangyo in view Shokai and Andreadakis a frame with two opposite halves to protect heating panels 13 and 14 from heat dissipation as taught by Frey.

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sangyo et al in view of Shokai and Andreadakis and further view of Kishimoto (5,422,462). Sangyo in view of Shokai and Andreadakis discloses substantially the claimed invention as applied to claim 25, but does not disclose a thermal sensor. Kishimoto teaches a thermal sensor (Col. 1, lines 15-25). It would have been obvious to one having ordinary skill in the art to use in the invention of Sangyo modified in view Shokai and

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Andreadakis a thermal sensor as taught by Kishimoto in order to open the electric circuit and prevent overheating of the apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 703-306-5482. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 703-308-2634. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

lmf

  
**EHUD GARTENBERG**  
**PRIMARY EXAMINER**

Leonid M Fastovsky  
Examiner  
Art Unit 3742